



QUID NOVI

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Journal des étudiant-e-s
en droit de l'université McGill

McGill Law's
Weekly Student Newspaper

QUID NOVI

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*Journal des étudiant-e-s
en droit de l'université Mc Gill*

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Toute contribution doit indiquer le nom de
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Contributions should preferably be submitted as
a .doc attachment (and not, for instance, a
".docx").



COURTNEY
RETTTER

Reality Bites: Packaging Factual Entertainment for Canada's Public Broadcaster

For the first time since its premiere in 2009, I joined 1.7 million other Canadians and watched *Battle of the Blades*, CBC's weekly "schmaltzy juggernaut"¹ that pairs second-rate hockey heroes with figure skating divas as they perform and compete until only one pair remains. I have to admit, it was great. Ron MacLean — one of the program's hosts—is the first to admit that he initially thought that the series was the dumbest idea he had ever heard. One year later, however, the program is pretty much Canadian certified reality porn. *Battle of the Blades* is, unquestionably, a caricature of Canadian culture. Two of our country's classic winter sports unite in Canada's official place of business: the rink. Indeed, any program that succeeds in conveying passionate longing from a sequin-covered, latex-hugging, Georges Laraque deserves an Oscar, let alone a Genie Award.

In all reality, the inclusion of reality programming on Canada's Public Broadcaster is quite controversial [pun intended]. In 2005, for instance, Robert Rabinovitch—former President and CEO of CBC—told the House of Commons Standing Committee on Canadian Heritage that the CBC "[would] not do reality television... If we were chasing audiences, or were just chasing rating points, we could do reality programming."² Just seven months later, however, the CBC announced the creation of a "Factual Entertainment" division. For the CBC, this meant, "talk shows, game shows, lifestyle and reality programs."³ Euphemistic label aside, the CBC was *definitely* pursuing reality programming. As a public broadcaster, this decision is reflective of a perpetual quandary: if the CBC is indistinguishable from its private competitors, it risks being subjected to public scrutiny for being but another source of popular entertainment that need not be supported by taxpayer dollars. If, on the other hand, the CBC is *too* distinguishable from its private competitors, it risks alienating audiences by disregarding public tastes and interests.⁴

It is not by chance that the CBC is the *ONLY* broadcaster in Canada that touts its reality TV programming under the label of "factual entertainment". Indeed, unlike CTV or Global, the CBC must satisfy its legislative requirements. As a mixed-model broadcaster, the corporation is simultaneously obligated to strengthen the social, political, and economic fabric of the nation through the creation of a "shared national consciousness,"⁵ while competing with other private broadcasters for the au-

diences that advertisers require. The CBC has come a long way from its high-culturalist, anti-American foundations. Indeed, in 1949, when the Royal Commission on National Development in the Arts, Letters and Sciences deliberated whether or not the CBC should move into television, the Commission decided that, unlike their American neighbours, disseminating a brand of television saturated in fun and commercialism, the CBC would devote itself to 'information, enlightenment, and entertainment.'⁶ While the royal Commissioners are most likely rolling in their graves, the modern CBC is rolling with the times. And our TV times [unfortunately] are *defined* by reality television—and all the bug-eating, 'makeovering', and figure-skating-hockey-players, it entails.

Richard Stursberg—former executive vice-president of the CBC—said it best when he argued that it was time for Canada's public broadcaster to consider itself a *Tim Hortons*, not a *Starbucks*: "There is a growing acceptance that our programming must be entertaining and fun as well as intelligent, interesting and engaging. Public service broadcasting can no longer be, as the UK Government White Paper on the BBC says and I quote, confined to the 'worthy'."⁷ Reality programming on the CBC was arguably inevitable. It is cheap to produce, it draws substantially sized audiences, and it provides a significant amount of advertising revenue. Not even a public broadcaster with public service objectives could avoid its seductive appeal. Consequently, so long as the CBC is forced to reconcile its legislative mandate with the tastes of the Canadian public, it will continue to manufacture a distinctly Canadian brand of reality television. And nothing, for instance, is more Canadian, than figure-skating-hockey players.

1 Brian Gorman, "Skating showdown returns to the ice; MacLean and Browning are back with Battle of the Blades" *Edmonton Journal* (24 September 2010), TV 2.

2 House of Commons Debates, Standing Committee on Canadian Heritage, No.059 (27 October 2005) at 1125.

3 George Stephenson, "CBC can't tell the difference between reality and fiction" *Winnipeg Free Press* (22 June 2006), online: Friends of Canadian Broadcasting <<http://www.friends.ca/news-item/3763>>.

4 Derek Foster, "Chasing the Public": The CBC and the Debate Over Factual Entertainment on Canadian Airwaves" (2009) 34 *Canadian Journal of Communication* 61 at 62.

5 Broadcasting Act, S.C. 1991, c.11, s. 3(1)(m)(vi) (the section 3(1)(m)(vi) states: "It is hereby declared as the broadcasting policy for Canada that the programming provided by the [CBC] should contribute to shared national consciousness and identity [.]").

6 Paul Attallah, "Public Broadcasting in Canada: Legitimation Crisis and the Loss of Audience" (2000) 62(3-4) *Gazette* 177 at 179.

7 Richard Stursberg, "Compelling Reasons for a Robust Canadian English Television Service" (Speech presented to the Economic Club of Toronto, 7 November 2006), online: CBC/Radio Canada <<http://www.cbc.radio-canada.ca/speeches/20061107.shtml>>.

CHASE
BARLET

ALL I WANTED WAS A NICE, WARM SHOWER...

I have never wanted to be a plumber. As a child, that profession certainly eluded me when asked what I wanted to be when I grew up. I had wanted to be a pilot. Dad said no, and now I'm in law school, quite happily. I learn many things in law school, like how to look at issues from a greater perspective, how to speak and write better, and how many energy drinks can be safely consumed in one sitting during exam season. Up until now, I've been pretty confident with my attempt to nurture my intellect. Sadly, that smugness dripped away last week. Yes, one of life's little hands-on lessons has thwarted me again.

You know those movies where a character from a different era by happenstance falls into another? Have you ever thought about how odd it would be if you yourself were thrown into a different time? You could be tossed back a few hundred years before toilets or soap and spend every moment horrified. Or you could be sent back just a few decades where most North American workers manufactured goods and realize what poor shape we're in. Or, as was my case this week, you could be flown over to modern-day Britain and be rendered so mechanically useless at the strange technology that you couldn't even shower.

Yep. That's right. Here I am, a happy-go-lucky North American, studying at a great law school, as a man who fancies himself at least partially educated and coherent, yet unable to wash away a single day's worth of grime. Why? Well: have you ever used a Scottish shower before? If so, why didn't you warn your less mechanically-inclined friend about it?

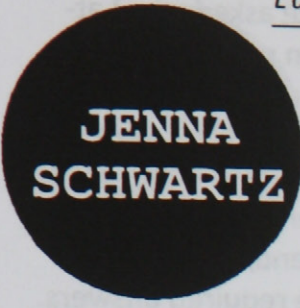
"Right, so for the shower, you've got this string here, then...yes?" Those were the fatal words, and having responded in the affirmative (yes of course I know how to shower!), I sealed my fate.

A string hangs from the ceiling with a small knob at the end, much like the string of a ceiling fan. Upon entering the bathroom to shower, I remembered that this string

had been pointed out to me, and I knew pulling it was essential to my shower. I figured, rightly, that pulling the string would start the flow of hot water from somewhere. I attempted to pull the string. It was flimsy, and the panel it was attached to in the ceiling seemed even more pathetic. I envisioned myself pulling the string too hard and destroying the ceiling of my fiancée's house. So I sat there for five minutes or so, trying to figure out what I was doing wrong. A string is to be pulled. You pull it until something happens. Yet instead, I sat there carefully tugging on it and wondering what to do. I decided that perhaps some sort of knob or switch had to be initiated to pull the string. Unable to find one, and stuck at home alone, I finally yanked the string, and it clicked on, ceiling still intact.

I was pleased with myself. I waltzed over to the shower and was confronted with a box. Three buttons presented themselves to me: "low," "medium," and "high." There was also a knob with blue dots turning colours to red dots, clearly to indicate temperature. I turned that knob all the way to hot, and, assuming the buttons indicated water pressure, pressed low. I recently decided to be more eco-friendly, and I didn't want to waste too much water while finding the right temperature. I pressed "low." Water started to flow. Freezing cold, icy water. I waited a few minutes more. The water turned colder. I turned it off, deciding that perhaps it needed a few minutes to heat up. So I sat in the bathroom for 10 minutes or so waiting. I then pressed "low" again. Again, the water was freezing. I turned it off again. I figured that maybe you had to wait a really long time, and that the interim justified Britain's obsession with tea (if they all have to wait an hour for hot water, maybe they pass that time with tea). It took about ten minutes to press the "high" button. At that time, hot water immediately streamed from the faucet. The buttons referred to water temperature, not pressure, with the knob as supplementary.

I told you: I never, ever wanted to be a plumber.



JENNA
SCHWARTZ

THIS JUST IN: *GLOBE AND MAIL V. CANADA* (ATTORNEY GENERAL) BRINGS THEORY AND PRACTICE CLOSER TOGETHER

In my first years of McGill law, I spent some time comparing the contents of our transsystemic program to the curricula of friends at other law schools. My conclusion was the following informal equation: 1 extra semester / 2 legal traditions = an inability to learn either legal tradition thoroughly. Phrased differently, attempting to do too many things at the same time makes it impossible to do any of those things well. As someone who intends on practicing law, these results concerned me. I began to question if a McGill legal education was truly capable of preparing students for the legal profession.

I have spent the last two summers working in the Montreal offices of Davies Ward Phillips and Vineberg. Within my first week on the job, recent McGill law graduates Jack Fattal, Runa Deshpandé and myself were asked by a senior partner if we wanted to assist him and some other litigators on a file that had been granted leave at the Supreme Court of Canada. We jumped at the opportunity and spent the majority of that summer compiling research, drafting memos and assisting with the preparation of factums. Approximately a week and a half ago, the SCC rendered its decision in this case: *Globe and Mail v. Canada (Attorney General)*. After watching much of our initial research migrate to memos, factums and eventually make its way into the SCC's decision, I can say with confidence that the gap between McGill's theoretical approach and practical application is not as wide as I imagined. I will describe some of the work that went into this case to illustrate this point but first, a brief exposition of the facts is in order.

Globe and Mail reporter Daniel Leblanc wrote a series of newspaper articles, which ultimately exposed the Federal Sponsorship Scandal. In 2006, Leblanc

wrote a book about his experiences and revealed that much of his information came from a confidential informant, who he called *Ma Chouette*. Following the Gomery Commission Report, the Federal government attempted to claim back federal monies that had been paid to advertising companies. One of these companies, Group Polygone, wanted to argue that the government's claim was statute-barred. To do so, Group Polygone wanted the identity of *Ma Chouette* to be revealed. It was their hope that she could elucidate the time period in which the Federal government became aware of the misuse of public funds. In an attempt to prevent this revelation, Leblanc was cross-examined by counsel for Groupe Polygone. He was asked a series of questions that if answered, would amount to the disclosure of *Ma Chouette's* identity. Invoking journalist-source privilege, Leblanc refused to answer the questions. The trial judge however, ordered Leblanc to respond. This order was appealed. Within the context of this factual matrix, it was raised that Leblanc had reported on confidential settlement negotiations taking place between the Federal government and Groupe Polygone. *Proprio motu*, the trial judge enjoined Leblanc from publishing further stories on this topic. This matter was also appealed.

As representatives for the appellants, the *Globe and Mail*, our mandate was two-fold. First, we were to establish the existence of journalist-source privilege in Quebec. Second, we were to demonstrate that publication bans should not apply third parties who report on confidential settlement negotiations. In other words, to be successful, we needed to give the SCC good cause to extend the laws of freedom of expression and publication bans beyond their recognized parameters.

In my mind, a major reason why we won both appeals is that we had used theoretical approaches as vehicles through which to move the law forward.

With respect to the first appeal, the SCC held that the four-stage Wigmore test (the standard through which disclosure of privilege is evaluated) would be used on a case-by-case basis to assess the existence of journalist-source privilege. Although the Wigmore test is not new to the laws of Quebec or Canada, the SCC took the opportunity to delineate criteria through which to evaluate its final stage. Specifically, the SCC invited lower courts to consider (among other things), whether requiring the journalist to breach a confidentiality undertaking is necessary (i.e. an act of last resort).

In order to provide Leblanc with means through which to protect his source, it was crucial that the court recognize a "necessity" requirement. Our factum attempted to highlight the importance of the "necessity" requirement by drawing connections between seemingly disparate areas of law. First, we discussed past SCC jurisprudence, which acknowledged that forced divulgence might carry the consequence that news sources will dry up. Then, we showed that s. 9.1 of the *Québec Charter* had been interpreted to balance rights against countervailing values and harm. Finally, we pointed to jurisprudential interpretations of Art. 2858 CCQ to underscore that *Québec Charter* rights should take precedence over rules of evidence. Taken together, our argument was that if a rule of evidence (here, Groupe Polygone's right to a full and fair hearing) was to be weighed against a *Québec Charter* right (here, protection of a confidential source as encompassed by freedom of expression), then the party seeking disclosure must establish that disclosure is

necessary to establish a particular fact, and that the particular fact is necessary to the disposition of an issue. While the SCC did not adopt our suggested framework, it acknowledged that this line of reasoning had influenced its decision.

In setting out our arguments for the second appeal, we had two hurdles to overcome. First, read literally, the *Dagenais/Mentuck* framework (the standard through which publication bans are evaluated) appeared only to apply to publication bans issued in relation to ongoing court proceedings. If accepted, we may have been left without a remedy, as private settlement negotiations do not constitute ongoing litigation. Our solution was to trace the evolution of the *Dagenais/Mentuck* line of cases. So doing revealed that the framework had been extended to all discretionary court orders and could therefore be applied to the

facts at hand. Second, there were very few Canadian cases dealing with third parties reporting on confidential information. To get around this issue, we turned to the reasoning of other jurisdictions to provide support for our position that such reporting should not be subject to a publication ban. This cross-jurisdictional review provided the SCC with the U.S. standard that they adopted. This standard permits journalists to report on confidential undertakings.

The reasoning employed in *Globe and Mail* should sound familiar. Our exams, papers and classroom discussions do not focus on present applications of the law but rather on its future applications. This broad thinking is not just important to litigation but to corporate transactions and tax planning as well. Everything from drafting to high level planning depends on one's ability to predict the future impact

of present decisions. In the context of a job interview, I was once asked why I attained my best grades in practical courses. My response was that in some ways, a practical course makes it easier to distinguish oneself. A base understanding of the law gives one the power to creatively arrange codal provisions and/or jurisprudence to go beyond the required answers. Reflecting back, I think this response speaks to the contribution that a McGill legal education can make to eventual practice. While I learned a great deal working on the *Globe and Mail*, the most important lesson that I took away is that an understanding of the present state of the law is crucial but it is only half the battle. The other half is being able to use this knowledge to achieve desired results. This is exactly what a McGill legal education trains us to do.



ROLE OF THE STUDENTS AFFAIRS OFFICE

The Student Affairs office (SAO) in the Faculty of Law provides information and guidance for both graduate and undergraduate students. On a daily basis, we assist individuals via the phone, email and in person on the following topics: program requirements, course changes, timetable, exchange programs, withdrawal procedures, exam schedules & conflicts, deferred & supplemental exams, Grade Reviews, academic standing, leave of absence or term away, part-time status, funding and graduation. Please do not hesitate to contact the SAO or come by and see us with your questions.

Comment nous joindre:

Le SAO est situé au 4^{ième} étage du nouveau Pavillon Chancellor Day, bureau 433.

Les heures d'ouverture sont de 09h00 à 16h00 et ce, du lundi au vendredi (le bureau est ouvert jusqu'à 17h00 durant la période d'examen).

The SAO provides drop-in hours for general advising on the following days:

Lundi: 09h00 à 10h00

mardi: 10h00 à 11h00

mercredi: 16h00 à 17h00

jeudi: 09h00 à 10h00

Appointments can also be made through Kelly Cassidy (kelly.Cassidy@mcgill.ca) if you wish to meet with: Asst. Dean Topsakal, Assoc. Dean Lametti, or Nancy Czammel.

Pour tout autres renseignements, veuillez communiquer avec le SAO par téléphone, 514-398-3544 ou par courriel, info.law@mcgill.ca ou par télécopieur, 514-398-3235.

The SAO welcomes your input, please take some time to complete our **CDO & SAO Counseling Feedback Survey** at <http://www.surveymonkey.com/s/9MYKV3J>

VINCENT
BOCA

STUDYING AT PARIS 1 PANTHÉON-SORBONNE

As some of you may know, an information meeting in Moot Court occurred two weeks ago concerning the exchange programs. Exchange students currently studying at McGill as well as McGill students who got back from their visiting university were invited to briefly comment their experiences. As an exchange student from Université Paris 1 Panthéon-Sorbonne, I was delighted and honored to be – not so briefly – able to do so. The purpose of this article is to rationalize the unstructured and unprepared speech I made, in order to give you a more accurate idea of how it is to study at Paris 1, and compare it to the little I know so far of McGill's Faculty of law (transsystemic analysis, of course!).

L'Université Paris 1 Panthéon-Sorbonne, tout autant que les 12 autres universités parisiennes d'ailleurs, est l'héritière de 800 ans d'histoire et de recherche académique. Plus récemment, c'est en 1971 et suite aux événements de mai 1968 (révolution culturelle, sociale et politique majeure en France) que l'Université de Paris – composée d'une faculté de droit, une de science, une de médecine et une de lettres – est divisée en 13 universités indépendantes, qui se répartissent – selon une logique qui m'échappe encore – les différents domaines d'études et les bâtiments historiques. Elles sont alors renommées selon des nombres qui correspondent à leur répartition géographique dans le cadre de « l'escargot parisien », qui démarre au centre de Paris (Quartier Latin) et progresse telle une spirale en s'élargissant vers la banlieue. Paris 1, au cœur historique, se retrouve donc avec le premier numéro, qui n'a ainsi aucun rapport avec un quelconque classement. Le même système est repris partout en France.

The second part of the name corresponds to the main buildings Paris 1 developed around: the Sorbonne (historical headquarters of the University of Paris) and the Pantheon (University of Paris' Faculty

of Law). However, Paris 1 built new buildings throughout the years in response to the growing number of students (over 40 000 today), outside of the Latin Quarter, and other universities made different choices, naming themselves after great men (Paris 5 Descartes, Paris 6 Pierre & Marie Curie) or after their location (Paris 2 Assas, Paris 13 Villetaneuse).

Tout cela pour dire que l'appellation Sorbonne est en partie arbitraire et illusoire, et ce pour trois raisons. D'abord, toutes les autres universités parisiennes peuvent se revendiquer du même héritage que Paris 1. Ensuite parce que vous avez beau être à Paris 1, vous n'aurez effectivement cours dans la Sorbonne que si vous atteignez au minimum le niveau licence (3ème année), et uniquement dans certains domaines (les cours de droit par exemple n'ont jamais lieu à la Sorbonne). Enfin, suite à des réformes récentes, les établissements tendent progressivement à se regrouper en des « pôles d'enseignement supérieur et de recherche » (PRES), qui s'arrachent le nom « Sorbonne » pour retrouver la visibilité internationale que certains avaient perdu, à tel point que Paris 1, victime de cette bataille féroce, a échoué dans un PRES qui ne porte même plus le nom Sorbonne !

Enough with history. Now that you – hopefully – have a better idea of what the Sorbonne corresponds to, and how universities can fight about its name and legacy, let me give you a hint of how it is actually in real life to attend classes at La Sorbonne.

Si vous avez la chance d'entrer dans le magnifique bâtiment de la Sorbonne, c'est dans 90% des cas que vous êtes étudiant de Paris 1 ou de Paris 4 (qui s'appelle Sorbonne... tout court). Pour cela, il faut d'abord que vous ayez eu affaire à l'une de leurs administrations. Je me limiterai à Paris 1, mais mon frère qui était à Paris 4

pendant 3 ans ne contredirait probablement rien de ce qui va suivre.

Quick break: throughout my three years at Paris 1, I met a lot of competent and very diligent members of the administration. Most of them are aware of – and sometimes concerned about – the “bureaucracy” issues. I want to say that they might not represent the majority of the staff, and even if they do, some problems are unsolved since we're still waiting for a lot of improvements. The following statements are not to be taken personally but let's face it: at some point, what students want is results, and even if the staff undergoes a lot of pressure, it's the universities' role to deal with it and find the appropriate solutions, what it has not done successfully so far.

Arriver à joindre l'administration est déjà un exploit. Que ce soit le téléphone qui sonne dans le vide, les courriers électroniques restant sans réponse, ou les files d'attente interminables, sans compter les horaires d'ouverture réduits (10h – 12h ; 14h – 16h parfois) ou incompatibles avec votre emploi du temps, les exemples sont légion. Ensuite, il faut espérer que vous avez joint la bonne administration, et là ça se complique. Je suis personnellement d'accord avec le fait que l'université est un monde fréquenté par des adultes qui doivent être un minimum responsables, et qu'elle fait partie de l'école de la vie (et croyez-moi, on y apprend beaucoup de choses, simplement pas forcément ce à quoi on pourrait s'attendre). Parfois, cela demande toutefois un sens de l'orientation très développé et toujours beaucoup de patience. Ensuite, certaines choses qui peuvent nous sembler plus logiques en France mais qui le sont moins ici sont à prendre en compte.

First of all, the food and housing issues are not dealt at the university level, but at the regional one. It's also the case for

scholarships. For sports, the offer is actually pretty broad at Paris 1 (over 50 different activities), and – it has to be noted – completely free, training included, but since the university doesn't own any sport complex, your activities are submitted to various hazards for which the university can't be blamed. Then, inside the same domain, and what is actually particular to law at Paris 1, you have 5 different departments depending on the legal field you're considering (undergraduate, international and European studies, private, public and labor law). Some of my fellow exchange students at McGill from Paris 1 – myself included – had some trouble reaching the right person to agree on the classes they can take here since we all transferred from the undergraduate department to another one. In response to that, the Sorbonne Law School, a new structure, was created last year (check out its website!), but still doesn't have much concrete existence or impact. You see how crazy it can be. If you don't, check out 'la maison qui rend fou' on Youtube, extract of an Astérix comic (we still don't know if the similarity with the actual Sorbonne building was made on purpose by the authors).

Je ne m'étendrai pas sur les histoires de certificat de scolarité ou de relevé de notes, l'objectif n'est pas non plus de vous dégoûter. Passons donc à la question du déroulement des cours.

In the lectures at Paris 1, whatever the subject, you'll end up getting the best professors (or at least, scholars) of the subject you study. There's a fair rivalry between Paris 1 and Paris 2 (the other Parisian university with a big law school), and they both attract the best professionals. That doesn't mean that you'll have the chance to talk to your professor, and he'll seldom know who you are or read your exam – at least in the undergraduate classes. Up to 600 students are supposed to attend the same lectures in first year (even though a fair amount never show up), and that figure often does not go down to less than 150 in the first year of masters. Depending on the professor, some might be more or less accessible, but it's not actually in their "official mandate" to be so, since you usually have a smaller class on the side of the lecture, to discuss about the subject and practice it,

whereas the lectures ("cours magistraux" in French) are purposely designed to be monologues.

En outre, d'autres problèmes font surface dans les amphithéâtres... Des tables trop étroites pour faire tenir une feuille dessus, quand il y en a (la majorité des cours de droit de 3ème année sont dispensés dans un splendide bâtiment dont l'amphi principal n'a que des bancs). Sans compter que pour ceux qui prennent leurs notes sur ordinateur, Paris 1 n'accepte pas (encore ?) que les examens soient informatisés, or ils se déroulent dans les amphis. De plus, ceux-ci sont trop petits pour le nombre effectif d'étudiants inscrits dans le cours. Je passe sur les problèmes incessants de micros, horloges, radiateurs ou projecteurs qui ne fonctionnent pas. Une fois de plus, chaque université connaît ce genre de problèmes, mais certains des exemples cités sont véritablement récurrents à Paris 1. En ce qui concerne le wi-fi, il est apparemment disponible partout cette année. Jusqu'ici, dans les quelques endroits où on le captait, il était souvent limité à l'accès au site internet de la fac, autant vous dire à des années-lumière de ce que l'on peut trouver à McGill.

As far as the library is concerned, there is actually none in the main law school building. But the biggest legal library in France is across the street. The main problem is that there're not enough seats (specially during the finals' period). I can also mention the fact that a lot of books are only available on request, as in "after 15 to 30 minutes", and if you want to get a chance to grab a code or one of the main textbooks, you should be there within the 5 minutes following the opening of the library. The "reserve" system does not exist, there is a plug per seat but no wifi, and since the glass roof is invariably closed, it gets terribly hot pretty quickly. Let's not mention the miserable bathroom (no plural on purpose).

Le problème est que la bibliothèque est « interuniversitaire », et dépend donc directement de l'Etat. Ses employés sont donc amenés à faire grève dans des circonstances différentes de ceux de l'université, et de mon expérience personnelle, à fréquence plus haute ! J'en viens donc pour finir à ce sujet épineux, qui fait d'ailleurs les gros titres de la presse française et in-

ternationale actuellement. Rappelons tout d'abord que le droit de grève est fondamental, et de valeur constitutionnelle en France. Il est décrit souvent comme utilisé abusivement par ses salariés, bien que cela ne repose sur aucune réalité factuelle pour ce qui est du secteur privé. Toutefois, la grève de secteurs tels que ceux des transports ou de l'éducation est par contre plus fréquente qu'ailleurs et a des vertus plus paralysantes, ce pourquoi elle prend une telle ampleur quand elle se manifeste (sans jeu de mot). Mais je me limiterai ici au secteur universitaire.

As a student at Paris 1, the strike that would actually affect you the most is not the one of the staff, but the strike of the students. As strange as it can be, and even though it usually depends on the departments considered, Paris 1 hosts a number of very active student unions, some of them being at the origin of numerous strikes over the last years (at least one every year in the past five ones to my knowledge, some being under way right now) as well as university blockades. Even though I don't know any piece of legislation precisely dealing with student strikes – Paris 1's charter obviously does not –, maybe because it is an inanity legally speaking (you have to have an employer in order to be able to go on strike), it's almost tacitly accepted that when as few students as the number needed to physically block a building's entrance decide to make a blockade, they can. However, such actions are usually backed by a significant number of people (even though seldom representing the majority – controversial issue) and political motives. During my first year, I missed as much as 7 weeks of classes in a row in the first semester because of blockades in reaction to the universities' reform (that was finally implemented). But don't worry, I got my full degree (and that's actually another issue). It has to be noted though that one of Paris 1's building where a lot of undergraduate (non legal) classes are taught is nationally notorious for being blocked, and is not representative at all of the national average.

Une fois en trois ans, j'ai vu certains professeurs se mettre en grève. Le cas est bien plus rare, mais à noter toutefois. En dehors de l'exception ahurissante et limi-

tée au microcosme parisien qui veut que ceux-ci se fassent tout de même payer (impossible n'est pas français je vous rappelle), cette situation a donné lieu à des rétentions de notes, qui m'auraient par exemple empêché de compléter mon dossier de candidature à McGill si j'avais été concerné à l'époque. Cette année-là, j'obtins mes notes du premier semestre (examens passés fin janvier) à la mi-juillet, en même temps que celles du second. Il faut noter qu'un bon nombre de professeurs (en tout cas en droit) en grève assuraient tout de même leurs cours pour ne pas nous pénaliser et que certains étudiants en partance obtinrent leurs notes moins tard.

So, if you've gone that far, you may now wonder why you should come for an exchange semester (or even more, Paris 1 has a great LLM program!) at Université Paris 1 Panthéon-Sorbonne. Well, forget about the foosball tables, the sofas, the ergonomic library, the diligent and helpful staff, the highly developed and innovative website (though Paris 1's is getting better), the coffeehouses, the university spirit, the great campus, classes (or even the right to do your finals) in English and others. But you'll get to attend the university with the best academic reputation in France and that dazzles overseas, free coursepacks (so far), great professors that aren't usually as unappealing as there're said to be, the most rigorous and traditio-

nal teaching of French law possible, a developing university social life, a life in the center of Paris, ridiculously low tuition fees (if you're not on exchange) and fellow students with a wide variety of social and geographical backgrounds. As a student in Paris you can expect to pay an expensive rent, but will benefit from a lot of rebates, very cheap meals and some of the richest cultural and entertainment opportunities on this planet.

Mais le changement est bien radical quand vous débarquez ici. Quand nous nous sommes retrouvés sans aucune documentation de Paris 1 à présenter aux visiteurs à la « study abroad fair » de McGill il y a quinze jours avec les étudiants en échange, je me suis réellement demandé l'image que Paris 1 souhaitait véhiculer d'elle à l'étranger. Cet article sera envoyé très prochainement par mes soins à l'administration de Paris 1, pour témoigner de cet état de fait.

At least, the difference is that McGill didn't lie to its applicants, making them believe they could all benefit from its great resources. In return, the ones that were chosen – you – enjoy now very pleasant years of school, or at least the staff is doing the best it can to make sure they are, and believe me it could be worse. At Paris 1, such as in all other French universities, the selection of the students is prohibited, and is even considered as a bad word. The consequence is that not all stu-

dents are treated the same way nor given the same chances to succeed, and one of the aftermath is thousands of students each year dropping university after several years without any qualification nor diploma. Think about that when your painful tuition bill appears on your e-statement.

En conclusion, je dirais que je suis très honoré d'avoir la chance de pouvoir suivre mes cours à McGill ce semestre. Je suis toutefois conscient que ceci n'aurait jamais été possible sans l'aide et le réseau de Paris 1, dans laquelle j'ai tout de même mis toute ma confiance pour me fournir une éducation supérieure de qualité. Cette université constitue à coup sûr une école de la vie, et je ne regrette aucunement le choix que j'ai fait en y entrant. Néanmoins, aucun système n'est parfait, et tous ont leurs charmes. C'est à ce titre que j'espère suivre encore une partie de mes études ailleurs, et au même titre qu'un passage à Paris 1 constituera à coup sûr une expérience enrichissante pour chacune et chacun d'entre vous. En attendant, je vais tâcher de profiter de l'expérience locale.

Comme le disait la devise de feu l'Université de Paris : « *Hic et ubique terrarum* » (ici et partout sur la terre). Souffrez que dans mon cas, ce soit surtout *ubique terrarum* pour l'instant.



RÉPONSE DE L'ASSOCIATION DES ETUDIANTS EN DROIT INTERNATIONAL

Nous avons lu avec attention l'article de Monsieur Boca. L'association des étudiants en droit international de l'Université Paris 1 Panthéon-Sorbonne, dont une bonne partie des étudiants sont étrangers, souhaite faire savoir qu'aucun n'approuve les propos de dénigrement tenus par Vincent Boca et ne le reconnaît comme porte-parole objectif de notre université. Nous souhaitons assurer les étudiants de McGill de la qualité de l'aide fournie par le personnel administratif et surtout de l'incomparable qualité de l'enseignement offert par notre université.

Association des Etudiants en Droit International (E.D.I.)
Université Paris 1 Panthéon-Sorbonne

We have read with great attention Mister Boca's article. The International Law Students Association of the Université Paris 1 Panthéon-Sorbonne, of which a large number of student members are foreign, would like to have it known that we do not approve of the denigration expressed by Vincent Boca, who is certainly not recognized by our association as an objective spokesman for our university. We wish to assure the students of McGill of the quality of help provided by the administrative staff and especially of the incomparable quality of the education offered by our professors.

The International Law Students Association of the Université Paris 1 Panthéon-Sorbonne

Réponse de l'Université Paris 1 Panthéon-Sorbonne

Nous souhaitons dire avec vigueur comme nous sommes consternées par l'article de Monsieur Boca et par l'image qu'il a choisi de donner de notre Université (Paris1 Panthéon-Sorbonne, ci-après Paris1). Le moins que l'on puisse dire est qu'il n'est pas fier de l'institution d'où il vient, si l'on en croit le portrait atterrissant qu'il en dresse. L'article sans merci de Monsieur Boca intervient à un moment où d'énormes efforts sont engagés pour remédier aux aspects négatifs qu'il croit utile de mettre en valeur d'une façon tant exagérée que discourtoise. Nous ne pouvons qu'en avoir des regrets et que ne soient précisément pas évoqués tous les chantiers ouverts pour améliorer la situation. Dans le cadre des nouvelles politiques engagées, figure celle consistant à faire en sorte que nos plus brillants étudiants puissent de façon équilibrée bénéficier des situations d'échanges les plus gratifiantes. En outre, Monsieur Boca oublie de mentionner que c'est parce que l'Université Paris 1 Panthéon Sorbonne est une grande et vénérable université qu'il a pu participer au programme d'échanges qui lui permet d'étudier à l'Université McGill.

Notre propos n'est pas de répondre point par point aux critiques de Monsieur Boca ; nous lui en laissons la responsabilité. Nous ne prétendons pas que tout est parfait à l'Université Paris 1 – Panthéon Sorbonne et reconnaissons parfaitement que bien des aspects de son fonctionnement méritent d'être améliorés. C'est ce à quoi nous employons notre énergie. Dans l'actuelle recomposition du paysage universitaire parisien, l'Université Paris 1 Panthéon Sorbonne veut plus que jamais afficher son excellence, cette excellence qui fait que les professeurs de cette université sont invités dans le monde entier, que nous recevons de très nombreuses demandes de collaborations internationales, que notre université est citée pour les formules pédagogiques innovantes qu'elle sait mettre en place et que

de très nombreux étudiants étrangers (plusieurs milliers), y compris venant de l'Université McGill, candidatent pour venir y étudier et témoignent ensuite de leur satisfaction (sans nous avoir jamais reproché de ne pas offrir des fauteuils confortables ou des tables de baby-foot).

Nous voulons dire que ces voix existent et sont, heureusement, les plus nombreuses.

Nous voulons dire enfin que nous sommes fières de notre université et nous invitons tous ceux qui sont tentés par l'expérience à venir se rendre compte par eux-mêmes qu'étudier à l'Université Paris 1 Panthéon Sorbonne est une aventure positivement inoubliable !

Hélène Ruiz-Fabri, "Directrice de l'Ecole de droit de la Sorbonne
Christine Mengin, Vice-présidente de Paris1 chargée des relations internationales

We are extremely disappointed by Mister Boca's article and especially of the image that he has evoked of our institution, Université Paris1 Pantheon-Sorbonne (Paris1). After reading his derisive description of his experience at Paris 1, it is clear that he is not very proud of his own university. Mister Boca's blaring article comes at a time at which tremendous efforts are being made to rectify any isolated, negative instances that he may have experienced and subsequently wrote about in such an exaggerated and discourteous way. It's regrettable that Mister Boca has failed to mention any of the projects on which we are and have been working to improve any irregularities. In the realm of new university policies, the fact that our most promising students are able to benefit from an opportunity such as a rich, cultural exchange is the one that stands out the most. In addition, Mister Boca forgets to mention that it is precisely due to the University's eminence and prestige that he was able to benefit from the exchange

program allowing him to study at McGill University.

Our purpose here isn't to respond to Mister Boca's criticisms one-by-one; the contents of his article represent his view and his view alone. We do not pretend that everything is perfect at Paris1 and we certainly recognize that many administrative aspects need to be improved. We focus our efforts in this precise area in order to achieve this goal. In the current educational landscape system amongst French universities, Paris 1 wants more than ever to promote its excellence. It is this excellence that drives universities throughout the world to invite our Professors to teach and that encourages proposals for international collaboration. It is this excellence that explains why Paris 1 is used as a benchmark for its innovative approach to education. And it is this same excellence that encourages an extremely competitive pool of foreign students to apply to study at Paris 1 (a number which is in the thousands), including those students coming from McGill. Until now, we have only had positive feedback from our students (although these comments were of course made about the quality of our curriculum and not about lack of foosball tables or lounge chairs).

You will be happy to know that satisfied, foreign students from Paris 1 do indeed exist and that fortunately these students represent the majority of our alumni.

Finally, we would just like to say how proud we are of our university. We invite all of you to formulate your own opinions about our prestigious university. Studying at Paris 1 is undeniably a positive and unforgettable adventure !

Hélène Ruiz-Fabri, Director of the Sorbonne Law school
Christine Mengin, Vice President of Paris1 in charge of international relations

MEREDITH CAIRNS

GAULT NATURE RESERVE FIELD TRIP

On Saturday, October 16th, a group of forty students as well as faculty and staff members from the Faculty of Law and the McGill School of Environment (MSE) went on a day trip to the Gault Reserve on Mont Saint Hilaire. The hill is located just 30 km east of Montreal, and is perhaps best known for apple picking. Over lunch, MSE Professor George McCourt recounted how Andrew Hamilton Gault had bought the property in 1913. Gault had a special attachment to the land, having grown up playing in the primeval forest. In 1957, the property was bequeathed to McGill University with the aim of conducting scientific research and preserving the wilderness.

This excursion was the first in a series of new initiatives to open a dialogue between students in the Faculty of Law and the MSE.

It also provided a great opportunity to get outdoors and enjoy Montreal's surrounding areas. Students obtained an information sheet about careers in environmental law, and were joined by two lawyers from McCarthy Tétrault who both work on environmental issues. There was ample time to hike up the mountain and get a spectacular view - from the adjacent Richelieu River to distant downtown Montreal. Many thanks to Professor McCourt as well as Mes. Aisha Topsakal and Catherine Bleau from the McGill Law Career Development Office.

Stay tuned for the next joint faculty trip this Winter 2011!

LAW LIBRARY

NEWS FROM YOUR LIBRARY

Writing your first memo?

Do not forget to take a look at the books about legal writing. To find them in the library, you can search our Classic Catalogue by the subject legal composition, or simply browse the shelves in the KE250 and KF250 sections.

Searching for the newest books?

Click on the "Recently acquired titles" link on the Law Library home page <http://www.mcgill.ca/library/library-using/branches/law-library/> or take a look at the actual books. You can find them on the brown book truck near the Current Periodical Area on the ground floor of the library.

Looking to master QuickLaw?

Attend the presentation by the LexisNexis representative on November 3rd (12:30 – 02:00 p.m.) in the DSCC. No registration required.

Interested in International or Criminal Law?

As of last week, we have access to two new databases:

– **Max Planck Encyclopedia** of Public International Law is a fully updated online edition of the print Encyclopedia of Public International Law. This edition has been prepared by the Max Planck

Institute for Comparative Public Law and International Law <http://www.mpil.de/ww/en/pub/news.cfm>. The MPEPIL is a comprehensive analytical resource covering the entirety of public international law. In this new edition, particular attention has been paid to the contextualization of each topic within international law. It also presents current trends while maintaining a focus on the mainstream/majority view.

– **Criminal Spectrum** integrates leading authored works with the Canadian Criminal Cases Decisions. It includes a comprehensive collection of full-text unreported decisions, Weekly Criminal Bulletin case summaries, topical indexes, a case citer and search templates.

To access the **Max Planck Encyclopedia of Public International Law** and the **Criminal Spectrum**, just search them in our library catalogue and click on the "Find it" link.

In this column, we would be delighted to answer all your library-services-related questions. Please send your questions to Svetlana Kochkina svetlana.kochkina@mcgill.ca, Liaison Librarian Nahum Gelbert Law Library.

HÉLIA
TAHERI

Law I

INGÉRÉE PAR LA FORÊT (PART 2)

Le texte suivant est la deuxième partie d'une série qui s'étallera sur trois semaines.

Sourire forcé, pour se convaincre que tout va bien, que son monde ne vient pas de s'écrouler dans l'espace de quelques minutes. Regard cloué sur le mur, le sourire s'efface aussitôt. Échappant la lettre, elle s'écroule sur la chaise.

Les convulsions partent, le calme revient; les halètements laissent place à des souffles en cadence; le regard accroché au mur s'est traîné jusqu'au plafond maintenant où il trace des arabesques. Réfléchis.

Jeudi

Assez! Elle en a assez d'être embrouillée comme si elle était sous l'effet de sédatifs. Elle a eu cette impression pendant si longtemps dans sa vie, elle ne recommencera pas. Évasion, écrire, répondre. Une feuille nue qui attend d'être vêtue. Elle commence à l'habiller par des mots.

« Je te hais, je t'ai haï, je te haïrai. Il faut que tu le saches. Toi et tes remords, je n'en ai rien à faire. Qu'est ce que tu espérais en écrivant cette lettre? Que je me sens mal pour toi parce que tu n'es qu'un gâchis total? Essayes-tu vraiment de me faire croire que tu ne m'as jamais menti? Tu ne cesseras donc jamais. Je

veux tant que tu te suffoques avec tes mensonges. Non, tu ne regrettes rien. Les souvenirs du passé, ces cauchemars qui hantent non seulement mes nuits, mais aussi mes jours, ils te redonnent le plaisir recherché. Tu passes tes journées à rêver dans ton fauteuil, oui, le même fauteuil, ce lieu de péché, là où ton couteau a percé ma carcasse je ne sais plus combien de fois. Non, quand tu me disais que j'étais belle, tu ne le pensais pas réellement. Tu aurais craché la même tirade à n'importe quelle fille de douze ans à ta disposition. Il y en avait quelques unes dans le village. Le destin avait fait en sorte que ce soit moi, ta poupée. Il m'avait pris maman, elle était morte. Il m'avait pris papa et Patrick, ils travaillaient tout le temps, trop occupés à regarder ailleurs, trop concentrés à ne pas voir. Il m'a laissée seule, seule entre tes sales griffes. Et dire que vous étiez connus comme mes gardiens jaloux. Jaloux, oui, gardien, non. Tu as démoli mon passé, mais tu ne m'as pas démolie, tu n'es ni assez important, ni assez puissant, pour me démolir. Je me suis enfuie, comme l'avait fait cousin Stevens. Mais lui, il était revenu rendre visite. Je ne reviendrai jamais rendre visite. Je suis à l'abri, la tempête ne me touchera plus. »

MOVEMBER!



Did you know 1 in 6 men get prostate cancer? Gross!

Do your part to combat prostate cancer by growing a moustache for the month of November or supporting someone who is!

All you need to do is go online and register on the McGill Mo Bros group:

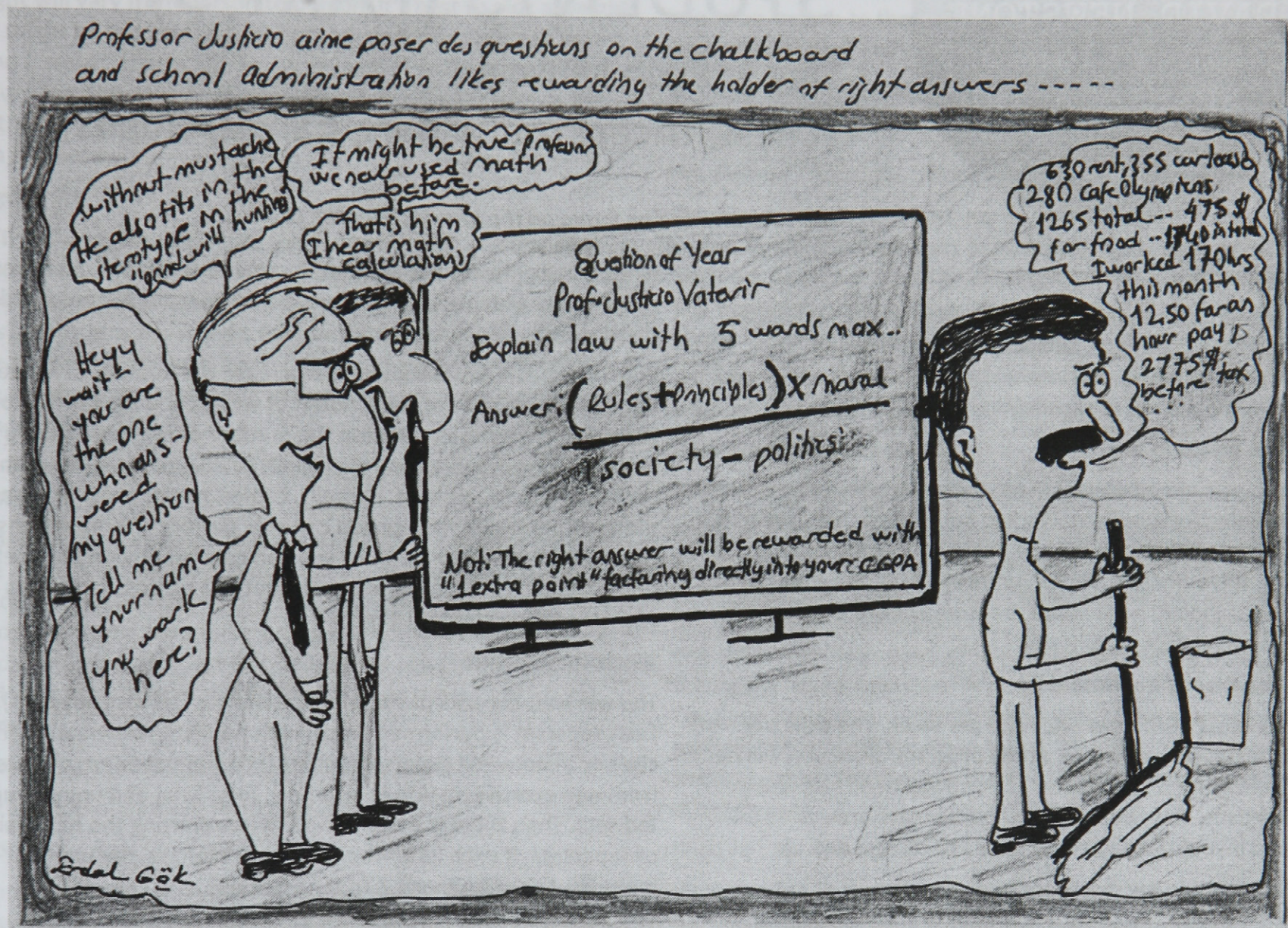
<http://ca.movember.com/register/104530>

We also have some fun upcoming events, so join our facebook group to keep up on those: McGill Law Mo Bros and Sisters.

Banner/Minerva Upgrade: several systems affected, Nov. 18-22

Banner, the enterprise system used at McGill to store all student, employee and financial data, will undergo a major upgrade from version 7 to version 8. Consequently, Banner, Minerva, the myMcGill portal and other systems will be unavailable from 5:00 p.m. Thurs., Nov. 18 to 6:00 p.m. Mon., Nov. 22. Go to http://www.mcgill.ca/channels/announcements/item/?item_id=168504 for a list of other systems that will be affected during the upgrade period.

CARTOON



FACL

The 4th Annual Federation of Asian Canadian Lawyers (FACL) Fall Conference is fast approaching. This year, the keynote address will be delivered by Jameel Jaffer, Director of the National Securities Project at the American Civil Liberties Union. Other distinguished speakers include Lee Akazaki, the first ever Asian lawyer to become the president of the Ontario Bar Association. Workshop hosts will feature lawyers from prominent law firms such as: Fraser Milner Casgrain, Goodmans, McMillan, Ridout & Maybee, Glaholt, Miller Thomson, Blaney McMurtry, Gowlings, Fogler Rubinoff, Mushtaq Law, Edwards Angell Palmer & Dodge and Torkin Manes.

This year, the conference will take place at University of Toronto, on Saturday, November 13th. Student registration is \$20 and \$45 more if you wish to attend the dinner banquet. Additional costs for transportation, which will be cheaper if we can organize group travel.

* Registration Info: <http://www.facl.ca/Fall-Conference2010.html>

* If you are not yet a FACL member, please fill out a membership form (free) and send it in along with the conference registration: <http://www.facl.ca/MembershipMDrive.html>

Send the package to **FACL, c/o OBA, 300-20 Toronto Street, Toronto, Ontario, M5C 2B8** (specifying your attendance to either the conference, the banquet, or both), or in the alternative, give me your forms and cheque and I will send it in along with my own application. If you plan to go, do let us know so we can account for the McGill presence. Please also send an email to Henry Ngan at henry.ngan@mail.mcgill.ca to confirm your attendance.

Hope to see you there,
Henry Ngan

MICHAEL SHORTT
DAVID NEWSTONE
CARLY KLINKHOFF
IBRAHIM ATTAR

FITNESS FOR LAW STUDENTS (PART 3)

Day 1: Push Muscles (Chest, Triceps, Shoulders, Calves, Quads)

Pictures can be found on the last pages of the Quid

What are the goals of this program?

This is a general fitness program, and will promote fat loss, as well as increased strength, balance, and cardio conditioning. It's main purpose is to help you lose weight, and that is where you will see the most obvious results.

Who is the program for?

This program is aimed at beginners: those who have never tried weight training, or who have worked out for less than a year. If people are interested, we'll come out with an intermediate program later this semester. The program can work for either men or women, although we'll admit that some of the exercises are more guy-friendly (like pushups).

What's the time commitment?

Three workouts of at most one hour per week. The time per workout will fall as you get better at the program, since you will be able to perform exercises faster and you will need less rest between exercises. Your workouts will quickly take around 45 minutes, and if you're really, really good, 30-35 minutes.

How do I schedule my workouts?

Your exercise session will alternate between the two exercise programs. We'll call these Day 1 and Day 2 for simplicity, but you can also think of them as "Push Muscle Day" and "Pull Muscle Day". Although you'll be exercising three days a week, there are only two programs, so your alternation will look like this: week 1: Day1/Day2/Day1; week2: Day2/Day1/Day2; week3: Day1/Day2/Day1; etc. Leave at least one day between workouts. The McGill gym tends to be busiest between 12pm and 8pm, with peak usage between 4 and 6 pm. Exercise before 10 am or after 9 pm if you don't like crowds or waiting for equipment.

Recap: Training Objectives

Technique (form and range of motion): Technique means that you can perform exercises exactly as described in the instructions below, while maintaining good posture and breathing. You should also be able to perform the exercise through a full range of motion.

Speed: Once you've mastered the proper form and full range of motion for each exercise, you are ready to increase the speed at

which you complete the exercise. Increased speed should never come at the expense of technique. Focus on a quick, controlled rhythm and avoid momentum.

Reps/Weight: Your final goal is to increase the number of repetitions of the exercise or the amount of weight you are lifting. For bodyweight exercises, increase the number of reps to 20 if you find that 15 is too easy, and eventually to 25. For exercises with added weight (dumbbells, barbells, cables, machines), increase the amount of weight until you can only perform 10 repetitions, then build back up to 15. Once you can consistently do 15 repetitions, increase the weight again. Repeat this process as long as you are making strength gains.

Workout Structure

The workout consists of six pairs of exercises (i.e. six supersets). Each superset is performed twice, with no rest in between exercises or in between supersets (other than time needed to move from one exercise station to another), for a total of 4 uninterrupted sets. Then there is a rest period before starting the next pair of supersets. If each letter represents an exercise, the workout looks like this: ABAB, rest, CDCD, rest, EFEF,...

The workout closes with a core/ab routine. The first four exercises in the routine are bridges/planks that you will hold for 15-30 seconds (beginner-intermediate) or for up to a minute (advanced). As soon as you finish one plank/bridge, move on to the next one. The last two exercises are ab exercises that you perform immediately after completing the planks. Aim for 20-30 reps.

Rest periods between supersets should start at 1 minute, and as you get better at performing the program, you can shorten them down to 30 seconds. Always take the rest period, even if you don't feel like you need it (after the first exercise you may not, but you'll feel the effects of skipping those breaks later!). Use a stopwatch or look at the clock in order to keep your rest periods honest and remember to drink lots of water! Try to avoid resting during the superset (i.e. not AB rest AB rest CD rest...) but if you need time to recover, take it. In this case your first goal should be to eliminate any rest periods during the superset.

Spend five to ten minutes warming up with a light jog, jump rope, rowing machine or other low-intensity exercise. If you live close to your gym, jogging there is an excellent warmup.

How Much Weight Should You Use?

We haven't provided specific weight recommendations for weighted exercises because the appropriate and safe amount of weight will vary from person to person. It's best to pick a weight that might be too light, and then work upwards until you've found a weight that is just heavy enough to exhaust you after performing both sets of 15 reps. This may take 1-2 tries to get right. Note that it is always better to err on the side of too light than too heavy.

Program Itself

You'll probably want to write these down ahead of time, so that you can remember the order and pairings. You should also write down how much weight you used for exercises so that you can consistently pick the weight that works for you. A sheet containing all the exercises we list here in a convenient size can be downloaded from ****URL**** and printed out at your convenience.

1.A. Dumbbell chest press / Reps: 15 / Weight: Use your judgement

Technique: Find a seated bench and adjust the back to a 45 degree angle, then select two dumbbells. Sit in the bench and raise the dumbbells out and to the side, with your palms facing forwards, until your arms form a right angle. Press dumbbells upwards until your arms are fully extended. Lower the dumbbells until your arms are parallel to the floor (do not go any lower). Repeat.

[Picture: start of motion, arms parallel to floor]

[Picture: top of motion, arms straight]

1B. Squats / Reps: 15 / Weight: Bodyweight

Technique: Stand with your legs shoulder width apart or slightly closer. Place arms behind head or use them for balance if needed. Lower your body by bending your knees. Keep your back straight and your knees pointing forward. Stop when your thighs are just past parallel to the floor. Do not allow your upper legs to touch and "bounce off" of your calves at the bottom of the movement. Extend legs until straight. Repeat.

[Picture: Side view standing up]

[Picture: Side view at bottom]

2A. Rear delt raise / Reps: 15 / Weight: Use your judgement

Technique: Lie on your side on a yoga mat and extend your arm out in front of you, using an overhand grip (palms downwards) and with a slight bend in your elbow. Keep your arm perpendicular to your torso so that your body forms a "T". Raise your arm until it is almost pointing straight upwards, and no farther. Lower slowly to starting position. Repeat and switch arms after 15 reps.

[Picture: Front raise at bottom of motion, from front/above]

[Picture: Front raise at top, from front/above]

2B. Reverse lunge / Reps: 15 / Weight: Bodyweight

Technique: Stand with hands on hips or use for balance as needed. Lunge backwards on one leg, landing on the front of your foot. Lower body until the knee of rear leg is almost touching floor. Return to starting position by pushing off of floor with rear leg. Repeat and switch to the other leg after 15 reps. Keep back straight throughout the motion. Note: this exercise requires a surprising amount of balance. If you start to fall over during a rep, stop, return to the starting position and try again (do not count the "failed" rep).

[Picture: Picture at bottom of motion]

[Picture: Picture at top of motion]

3A. Pushup / Reps: 15 / Weight: Bodyweight

Technique: Lie on floor with hands slightly wider than shoulder width. Straighten your arms to push your body upwards until arms are fully extended. Lower body until almost touching floor. It is very important to keep upper and lower body straight throughout movement. Repeat. To reduce difficulty, place knees on floor.

[Picture: At bottom of movement]

[Picture: At top of movement]

3B. Box step-up / Reps: 15 / Weight: Bodyweight

Technique: Find a stable raised surface to perform the exercise on. The height of this surface should be proportional to the strength of your legs, and should be at most knee-high. An exercise bench is a good starting height. Place one leg on the surface, one leg on the floor. Push off the floor with one leg while straightening the leg on the raised surface so that you hop upwards. Continue the movement until your raised surface leg is fully extended. Let yourself fall down to the floor, landing on your tip-toes to cushion the landing. Repeat 15 times, then switch to other leg.

[Picture : Start of movement, from the side]

[Picture : Top of movement, from the side]

4A. Forward delt raise / Reps: 15 / Weight: Use your judgement

Technique: Hold a dumbbell in each arm with an overhand grip (palms facing down). Hold your arms straight out in front of you, with a slight bend in the elbow (10 to 30 degrees) since this bend places extra emphasis on the shoulder muscles. Keeping your arm rigid, raise it upwards until it is at eye level. Lower back to starting position. Alternate raising one arm after another, until each arm has performed 15 reps. Keep your back straight and tighten your ab muscles to make sure that your torso remains stable throughout the exercise. Repeat. Keep the weight extremely light – the shoulders are a small muscle group that we rarely use in modern life anymore.

[Picture: Side view at top of motion]

4B. Split squat / Reps: 15 / Weight: Bodyweight

Technique: Place one foot on a raised surface about mid-calf height. An exercise bench is a good height for most people. Place other foot away from the raised surface – the farther out the more difficult the movement will be. Squat downwards by ben-

ding your knee. Continue until your thigh is parallel to the floor or a little lower. Keep your back straight throughout the movement. Return to an upright position. Repeat 15 times then switch to other leg. Note: This is a very difficult exercise if you've never done it before, so be prepared to sacrifice reps in order to achieve a full range of motion. Balance is also tricky, so you may want to hold on to a nearby object for support.

[Picture: Start of movement]

[Picture: End of movement]

5A. Lateral delt raise / Reps: 15 / Weight: Use your judgement

Technique: Hold one dumbbell in each hand with palms facing downwards (overhand grip). Bend elbows slightly and, while keeping arms rigid, raise arms up and to the side until just above shoulder height. Lower and repeat 15 times. Keep your back straight and tighten your ab muscles to make sure that your torso remains stable throughout the exercise. Keep the weight extremely light – the shoulders are a small muscle group that we rarely use in modern life anymore. You're also working with the weight in a difficult range of motion.

[Picture: Top of movement]

5B. Calf machine / Reps: 15 / Weight: Use your judgement

Technique: Stand on the machine's platform with your shoulders under the pads. Place the front of your feet on the platform, with your heels hanging off of it. Stand up on your tiptoes, pushing against the weight. Lower yourself back to the starting position, and even a bit lower if possible. Repeat. Note that the calves are a fairly strong muscle, so you may want to push yourself when selecting weight.

[Picture: Someone on the machine at the top of the movement]

6A. Tricep pulldown / Reps: 15 / Weight: Use your judgement

Technique: Find a cable machine and adjust the height of the pulley so that the cable attachment is at chest level. Hold the cable attachment with your palms facing the floor (overhand grip). Push the cable attachment downwards until your arms are fully extended. Keep your elbows close to your body and keep your upper arms stable. Allow the weight to return to its starting position. Repeat. Make sure that the weight is light enough for you to fully extend your arms at the end of the movement, since the effectiveness of this exercise depends on a full range of motion.

[Picture: Start of movement. Arms up]

[Picture: End of movement. Arms fully extended]

6B. Wall Sit / Reps: 30-60 seconds / Weight: Bodyweight

Technique: Rest your back flat against a wall. Lower your body

until your legs are bent at a 90 degree angle. Hold this position for as long as possible, without either slipping down the wall or readjusting your legs to raise your body higher. This is a surprisingly difficult exercise, but do not skip it!

[Picture: Someone sitting against the wall with legs bent]

7A. Plank / Reps: 15-30 seconds / Weight: Bodyweight

Technique: Lie on a yoga mat. Raise your body up on to your elbows and on your toes. Keep your back straight and rigid. Hold the position for as long as possible, making sure that your hips, back and leg do not sag downwards.

[Picture: Position from side]

7B. Side Bridge / Reps: 15-30 seconds / Weight: Bodyweight

Technique: Lie on your side on a yoga mat. Raise yourself upwards using one arm (either fully extended or on your elbow). Keep your hips and legs rigid so that your body forms a triangle. Hold the position for as long as possible, making sure that your hips and legs don't sag inwards. After doing one side, switch to the other side (so you perform the side bridge twice).

[Picture: Position from side]

7C. Front Bridge / Reps: 15-30 seconds / Weight: Bodyweight

Technique: Sit on the ground with your legs extended and your arms on the ground behind your back in a position that's comfortable to you. Tense your abs, butt and hamstrings and straighten your legs, so that your body forms a straight line from your head to your feet. Hold this position rigidly for as long as possible, making sure that your torso doesn't sag downwards.

[Picture: Position, from side]

7D. Crunch up / Reps: 20 to 30 / Weight: Bodyweight

Technique: Lie on your back on a yoga mat. Point your legs straight upwards. Reach out towards your feet and crunch upwards as far as you can by contracting your ab muscles. This should lift your upper back up off the mat. Depending on your ab strength, your lower back may lift off the mat as well.

[Picture: side view at top of motion]

7E. Hip Raise / Reps: 20 to 30 / Weight: Bodyweight

Technique: Lie on your back on a yoga mat. Point your legs straight upwards. Raise them in to the air by contracting your abs so that your hips lift up off the mat. To get a full range of motion, your lower back should lift up off the mat as well, crunching your lower abs on to your upper abs.

[Picture: Side view at top of motion]

Day 1 Exercise List: Push Muscles

1A Dumbbell press Reps: _____ Weight: _____
1B Squat Reps: _____ Weight: _____

2A Rear Deltoid Raise Reps: _____ Weight: _____
2B Reverse Lunge Reps: _____ Weight: _____

3A Pushup Reps: _____ Weight: _____
3B Box Step-Up Reps: _____ Weight: _____

4A Forward Delt Raise Reps: _____ Weight: _____
4B Split Squat Reps: _____ Weight: _____

5A Lateral Delt Raise Reps: _____ Weight: _____
5B Calf Machine Reps: _____ Weight: _____

6A Tricep Pulldown Reps: _____ Weight: _____
6B Wall Sit Time: _____ Weight: _____

7A Plank Time: _____

7B Side Bridge Time: _____

7C Front Bridge Time: _____

7D Crunch Reps: _____

7E Leg Raise Reps: _____

Day 2 Exercise List: Pull Muscles

1A Concentration Curl Reps: _____ Weight: _____
1B Cross Lunge Reps: _____ Weight: _____

2A Rotator Cuff Pull Reps: _____ Weight: _____
2B Romanian Deadlift Reps: _____ Weight: _____

3A Back Pull Down Reps: _____ Weight: _____
3B Hamstring Curl Reps: _____ Weight: _____

4A Side Bridge Flex Reps: _____ Weight: _____
4B Lower Back Flex Reps: _____ Weight: _____

5A Seated Row Reps: _____ Weight: _____
5B Lateral Leg Swings Reps: _____ Weight: _____

6A Hammer Curl Reps: _____ Weight: _____
6B Lying Hip Extension Reps: _____ Weight: _____

7A Plank Time: _____

7B Side Bridge Time: _____

7C Front Bridge Time: _____

7D Crunch Reps: _____

7E Leg Raise Reps: _____

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2B Reverse Lunge Reps: _____ Weight: _____

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6B Wall Sit Time: _____ Weight: _____

7A Plank Time: _____

7B Side Bridge Time: _____

7C Front Bridge Time: _____

7D Crunch Reps: _____

7E Leg Raise Reps: _____

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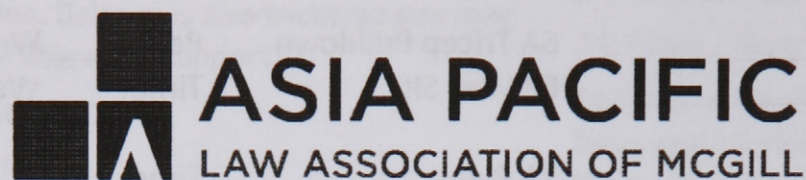
7A Plank Time: _____

7B Side Bridge Time: _____

7C Front Bridge Time: _____

7D Crunch Reps: _____

7E Leg Raise Reps: _____



ASIA PACIFIC

LAW ASSOCIATION OF MCGILL



THE SECOND ANNUAL ASIA PACIFIC SPEAKER SERIES PRESENTS

PROF. DOUGLAS W. ARNER

UNIVERSITY OF HONG KONG

THE FUTURE OF FINANCE IN ASIA AND THE INTERNATIONALIZATION OF THE RMB

Professor Arner is Director of the Asian Institute of International Financial Law and a Professor at the Faculty of Law of the University of Hong Kong. He will be a Visiting Scholar at McGill University until January 2011. Professor Arner has published widely in the area of global financial law and regulation and has served as a consultant with, among others, the World Bank, Asian Development Bank, and European Bank for Reconstruction and Development.

APLAM and the Junior Hong Kong Canada Business Association jointly invite you to a discussion of the debate about unpegging the Chinese currency and the global economic repercussions that could arise from shifts in Chinese monetary policies.

RSVP REQUIRED:

aplam.mcgill@gmail.com

LECTURE AND Q&A

<http://aplam.mcgill.ca>

17h30-19h00
Tuesday 9 November, 2010
McGill Faculty of Law
NCDH 102

poster design by chris nguyen [CDHNguyen@gmail.com] | sponsored in part by my cup of tea



**ASSOCIATION DU DROIT
DE L'ASIE PACIFIQUE À MCGILL**

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La 2e édition de la série annuelle des conférences sur l'Asie Pacifique

PROF. DOUGLAS W. ARNER

UNIVERSITÉ DE HONG KONG

L'AVENIR DE LA FINANCE EN ASIE ET L'INTERNATIONALISATION DU RMB

Professeur Arner est Directeur du Asian Institute of International Financial Law à la Faculté de droit de l'Université de Hong Kong. Il occupera le poste de chercheur invité à McGill jusqu'en janvier 2011. Professeur Arner a publié de nombreux ouvrages dans le domaine du droit financier mondial et de la réglementation financière. Il a également occupé le travail de consultant au sein, entre autres, de la Banque mondiale, la Banque asiatique de développement, et la Banque européenne pour la reconstruction et le développement.

L'Association du droit de l'Asie Pacifique à McGill (ADAPM) et le Junior Hong Kong Canada Business Association vous invitent à une discussion au sujet de l'évaluation de la monnaie chinoise et des répercussions d'une réglementation de la monnaie chinoise sur l'économie mondiale. La présentation se tiendra en anglais.

Veillez confirmer votre présence:

aplam.mcgill@gmail.com

CONFÉRENCE ET Q&A

<http://aplam.mcgill.ca>

17h30-19h00

mardi 9 novembre, 2010

Faculté de droit de McGill

NCDH 102

affiche conçue par by chris nguyen [CDHNguyen@gmail.com] | commandité en partie par my cup of tea



RESEARCH CONTRACTS ON CANADIAN BIJURALISM/ PROGRAMME DE CONTRATS DE RECHERCHE EN BIJURI- DISME CANADIEN

I am pleased to announce the annual call for applications for the 10th edition of the Department of Justice Canada's Program of Research Contracts on Canadian Bijuralism. The purpose of this Program is to promote, among law students, the development of expertise pertaining to federal legislative

interpretation regarding questions that arise when federal law and provincial private law interact in a context of coexisting civil law, common law and Aboriginal legal rules. The Program also contributes to the dissemination of knowledge on the subject.

To be eligible for the Program, candidates must, at the time of application, be: enrolled full-time in a program in law at a Canadian university; or enrolled full-time in a university and hold an undergraduate law degree from a Canadian university.

The Program is also open to candidates who, at the time of application, are enrolled full-time in a provincial or territorial professional training school leading to the title of lawyer or, in Quebec, lawyer or notary.

The Program awards contracts of \$5,000 for research on issues relating to Canadian bijuralism. For candidates wishing to apply for a research contract, detailed information regarding the Program is available on the Canadian Legislative Bijuralism Site (www.bijurilex.gc.ca).

We invite you to encourage your students to apply before the deadline of January 17, 2011. For further information on the Program, please contact Mr. Ralph Mercedat, legal counsel, at 613-954-3615 or at pcrbc-prccb@justice.gc.ca.

Yours truly,

Marc Cuerrier
Senior General Counsel / Avocat général principal

Guylaine Fecteau for Marc Cuerrier
Assistante / Adjointe
Groupe des services de révision législative /
Legislative Revision Services Group
Téléphone / Telephone 613-957-0481
Télécopieur / Facsimile 613-952-4080
courriel/e-mail: guylaine.fecteau@justice.gc.ca

J'ai le plaisir de vous annoncer la tenue de la 10^e édition du Programme de contrats de recherche en bijuridisme canadien du ministère de la Justice du Canada. Ce Programme vise à encourager le développement de compétences liées à

l'interprétation de la législation fédérale au regard des questions qui découlent du rapport entre le droit fédéral et le droit privé des provinces, dans un contexte de coexistence du droit civil, de la common law et des règles propres au droit autochtone. En outre, le Programme vise à favoriser la diffusion des connaissances dans ce domaine.

Pour être admissible au Programme, la personne candidate doit, au moment de poser sa candidature : être inscrite à temps plein dans un programme de droit dans une université canadienne; ou être inscrite à temps plein dans une université et être titulaire d'un diplôme de premier cycle en droit décerné par une université canadienne.

Le Programme s'adresse également à la personne candidate qui est inscrite à temps plein dans une école de formation professionnelle, provinciale ou territoriale, menant à l'obtention du titre d'avocat ou, au Québec, d'avocat ou de notaire.

Nous vous invitons à encourager vos étudiants à soumettre leur candidature avant la date limite du 17 janvier 2011. Pour tout renseignement complémentaire concernant le Programme, prière de communiquer avec Me Ralph Mercedat au 613-954-3615 ou au pcrbc-prccb@justice.gc.ca.

Veuillez agréer, cher (ère) professeur, l'expression de mes sentiments les meilleurs.

Marc Cuerrier
Avocat général principal / Senior General Counsel

Guylaine Fecteau pour Marc Cuerrier
Adjointe/Assistante
Groupe des services de révision législative /
Legislative Revision Services Group
Téléphone / Telephone 613-957-0481
Télécopieur / Facsimile 613-952-4080
courriel/e-mail: guylaine.fecteau@justice.gc.ca

KATIA
OPALKA

I MET BEVERLEY MCLACHLIN

Hellow fellow McGill students,

I wanted to share with you something that happened recently, because you are likely the only people of whom it might be said that there's an outside chance that you'd take an interest.

When I took Foundations with Alison Harvison Young (who later became Dean of Law at Queen's and is now a judge), we had to read some articles about different legal theories and then apply a theory to a local news story. I found a story about an old judge in Winnipeg who got in trouble for chewing out a female lawyer who had to ask for a recess because her kid was sick. In my analysis, I likened a courtroom to a theater, and I said that for the magic to work, everyone had to stay in character. I said that the judge was thrown off by having a lady lawyer in front of him, so he forgot his decorum and everything went south from there. I wrote that I was applying the "Critical Legal Studies" theory of law (Prof. Macdonald can tell you more about this movement, if you're intrigued). Prof. Harvison Young gave me a B and said it was more like radical feminist. I was thoroughly pissed off.

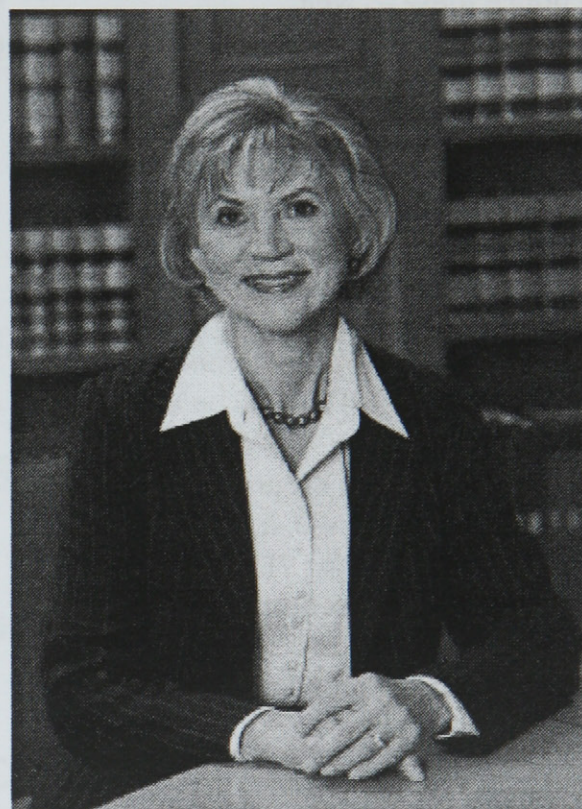
Anyway, so then I did some research (this was 1993: using the Internet was a Big Deal). I found the federal Handbook on the Conduct of Judges, published by the Supreme Court of Canada, notionally by the Chief Justice. There was a great chart halfway through the book, with the left column full of what you might say, and the right column offering a list of what you should say. So for example, for a woman lawyer, instead of lady, you were invited to say counsel. I found it hysterical, but also a little embarrassing. So I wrote to Antonio Lamer and said you've gotta do something about these guidelines. They're a joke. They make Canada look like Hazard County.

Mr. Justice Lamer wrote back a week later and said thanks for drawing this to my attention. I'll look into it. So two weeks ago (17 years later, in other words), I find Madam Justice McLachlin standing alone at a cocktail reception in her honour, and I tell her the story. She says you know, 1993, that's right around the time Tony overhauled the whole thing. You probably got the ball rolling.

The moral of my story is not that one little person can make a difference. It's that if you want to add enjoyment and meaning to your education and your career, don't be afraid to align yourself with the people in our society who are making a difference. Often, they truly are exceptional people, and what makes them so is in part, their generous and thoughtful responses to the concerns the rest of us might have.

Best regards to you all,

Katia Opalka



**CHARLIE
FELDMAN**

Last week, we published a 44-page Quid to which the response has been overwhelmingly positive. While I could write a self-adulating piece about how difficult it was to pull off one of the largest issues in our history, I think it's much more important to share the self-flagellation.

It's a simple truth that the more we put in the Quid, the more likely it is that mistakes will occur. Usually, it's something minor, like a typo or a misplaced comma. While I don't think anything in last week's Quid qualifies as a major mistake, there were plenty of minor mistakes. You probably noticed some. I want you to know that we notice these as well.

Mistakes you probably caught included, for example, a line in Tim Bottomer's piece on Quid censorship, which, as printed, read in part: "a number of which implied that the author of the initial article was a." I'm sure you were all wondering what was supposed to appear before the period. The irony that it looks as though we censored a piece on censorship is not lost on me. It's a simple enough mistake that occurred either in editing or in layout, and, if you look closely at that page (pg 7) you'll notice that there is no break between that and the next paragraph. This tells me that the article was posing problems at some stage in the process (sometimes this is cased by .doc vs .docx drama) – certainly, there was no editorial decision made to edit the word, even though this may be the unfortunate inference drawn.

Peut-être que vous ne l'avez pas remarqué, mais l'article à la p. 18, "Comment le rose fait parfois bien les choses" est attribué uniquement à Ariane Lauzière. En réalité, l'article a été écrit par Ariane et Alexandra Meunier – les deux ont travaillé ensemble. Si vous êtes vraiment observateurs, vous avez remarqué qu'il y a ce qui semble d'être un espace dans le nom de famille Ariane devant le 'è' - qui se colle à la lettre à côté. Ce problème se produit également sur les deux noms imprimés sur la page 19, ce qui signifie que nous de-

vrons trouver une nouvelle police qui imprime mieux les accents.

If we want to get super picky, notice that the distance between the name bubble and the indicator (Law II, President of the LSA, etc.) changes vastly throughout the issue. On page 10, for example, the bottom line of the indicator extends into the bubble; whereas, on page 21, for example, the bottom indicator line doesn't start for some distance away from the bubble. As far as relative location, some indicators are even with the top with the top of the bubble, others are above the bubble. It's a little thing, but the little things add up.

Even in my section last week there were mistakes. As far as content, Me. Lamed was nice enough to correct quotes I sent from her class, yet the incorrect versions printed. For this, I am truly sorry. As far as format issues, to be consistent with previous issues, my indicator should have been 'In-House Diva' instead of Law III, and the title of the section should have appeared on every left page of the section rather than on just the first.

I could make a list of every little thing – lack of paragraph spacing and missing bold words on page 22, the second portion of the Editorial appearing entirely in bold (for no reason) on page 42, or, my favourite, the date randomly changing to "21 JANVIER 2010" on the bottom of page 40.... okay, so maybe that last one was our pre-Halloween tribute to Time Warp from Rocky Horror, much like our cover image was taken from a slide Dean Jutras once put up in our ECO class first year (this fact should have been indicated somewhere in the issue).

If these are the types of 'problems' I'm talking about, obviously there is a lot going quite well. The point I want to convey with this article is that we do notice our shortcomings and we are our own harshest critics. Every Quid is a learning experience for all involved. Further, we have a lot of new people on board this

year who, given our rotation schedule, may only be working on their first Quid this coming week. Hopefully, next semester we'll come much closer to our goal of a flawless Quid. Of course, once we've got it down it's the end of the year, people leave, new people come on board, and it's time to start over again.

In that last regard, I'd like to remind everyone as indicated in the second Editorial of the year that come January 2011, the Quid Novi will be holding interviews for the positions of Co-Editors-in-Chief. We ask interested students to submit the following to the Quid e-mail address (quid.law@mcgill.ca) by Friday, January 14, 2011 at 5 p.m.:

- 1) Curriculum Vitae
- 2) Letter of intent explaining why you want the position of Co-Editor-in-Chief of the Quid Novi and what experience (if any) you have with publishing.

Please note that we are actively seeking a pair of Co-Editors who, together, are capable of both writing and editing the newspaper in French and English. It should also be noted that prior experience with publishing or the Quid itself is not necessary (of course, both are assets).

As a closing comment, the Quid is a lot of work. In the insanity of the 10 days preceding the publication of the last Quid, we were abnormally busy, and I would estimate collectively, Courtney, Chanel, and I spent about 50 hours working on Quid-related matters. I realize this may scare some people away – but it's usually a much more manageable workload than this, I swear! While I may write a separate piece at some point about whether the positions of Editor-in-Chief at the Quid should be for academic credit, I will in the meantime just note that it is insanely fun to work at the Quid – flaws, stress, insanity, and all :-)

Wednesday, November 10, 2010

The Career Development Office

presents

The Graduate and Academic Career Day

Whether you know you want to pursue graduate studies in law, or you just want to learn about the possibilities, the *Graduate and Academic Career Day* is the perfect forum to explore your options.

Please join us, in Room 312 NCDH, for a panel discussion on the following topics:

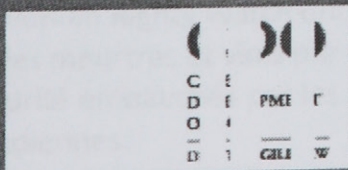
12:30-1:10: Pursuing Academic Studies

1:10 - 1:50: Life as an Academic

1:50 - 2:30: Financing your advanced degree

Representatives from universities across Canada will be in attendance to answer your questions.

Snacks will be provided!!



McGill Faculty of Law

**Career Development Office
3644 Peel Street, Room 416
Montreal, Qc, H3A 1W9**

Volunteers needed! Please contact: career-development.law@mcgill.ca

PARENTAGE IS ABOUT MORE THAN DNA

The Globe and Mail, 28 October 2010, A21

Parentage is about more than DNA

Angela Campbell and Robert Leckey

From Thursday's Globe and Mail

A woman born of a genetic sperm donation is challenging the law that prevents her from knowing her genetic father's identity. Her court case began in Vancouver on Monday. We don't doubt her sincerity in claiming that finding her genetic father is important to her. But the emphasis on genetic heritage central to her claims and others like it exemplifies a troubling trend that calls for further scrutiny.

The intense focus on genetic origins comes at an odd moment. The certainty with which genetic connections can now be established seems to have increased their importance. DNA testing now provides incontestable proof. But today's science also makes genetic connections look much less important. All humans have 99 per cent of their DNA in common. A parent and child share slightly more, 99.5 per cent.

Olivia Pratten, 28, acknowledges that she has a "dad" who loves and cares about her. But her biological father, "who created half" of who she is, remains a mystery.

Whatever her feelings, it's scientifically wrong to say Ms. Pratten's biological father created half of who she is. It's also wrong in other ways. As in all cases, upbringing and cultural surroundings are largely responsible for who we are.

It sounds as if Ms. Pratten owes much of her personality and identity to her "dad." That's so whether she resembles him or has shaped herself in contrast to him.

She has the right to be wrong in her thinking about her identity. She also has the right to think about her origins by focusing on her genetic make-up. But whether a judge should strike down the current law so as to identify a man who donated sperm anonymously is another question entirely. The judge also must take other viewpoints than Ms. Pratten's into account. So must legislators who eventually study this issue.

We recognize the interest that donor children have in knowing their genetic origins. But is it a right that trumps all others?

The rhetoric of genetic connection risks erasing social bonds between parents and children. It implies that identity results from genetics. And the idea that genetic origin makes people who they are devalues diverse means by which people form families. Consider adoptive parents or parents who conceive through assisted conception. They may be gay or straight. Such parents are not mere caretakers of someone else's genetic heritage. They contribute to their child's identity.

The judge hearing Ms. Pratten's claim must consider the consequences of recognizing a right to know one's genetic parentage.

Overtaking donor anonymity would reduce the supply of donor sperm. It would be harder for infertile couples to conceive a child. In the United Kingdom, the supply of donor sperm plummeted after rules prohibited anonymous donations.

And does Ms. Pratten's claim go both ways? Once we elevate genetic connection over social bonds developed over time, why wouldn't a donor have the right to trace his "children" connected to him by DNA?

An ethical assessment of claims by individuals born of anonymously donated genetic material to find their genetic heritage must take account of the potential harms to other people.

A full and fair evaluation of this debate entails recognizing the multiple interests it engages. People will weight these interests differently. We think they at least belong on the table.

Angela Campbell and Robert Leckey teach family law at McGill University.

PROFS
FOX-DECENT,
JANDA
GENDRON

MINES À L'ÉTRANGER: UNE LOI POUR RÉPARER LA RÉPUTATION DU CANADA

Récemment, un groupe d'étudiants de l'Université McGill a passé un mauvais quart d'heure pendant un séjour au Panama. Comme plusieurs étudiants qui voyagent à l'étranger, ils ont présumé que la feuille d'érable sur leurs sacs à dos veillerait sur eux. Imaginez leur mauvaise surprise quand ils ont rencontré la colère d'une communauté autochtone locale et l'image de la tête de mort affichée sur le drapeau canadien. L'explication? La présence d'une société minière canadienne.

Le Canada est sans contredit la capitale mondiale de l'industrie minière. En 2008, plus de 75% des entreprises d'exploration et d'exploitation minière avaient leur siège social au Canada, avec des propriétés dans plus de 100 pays. Cela génère la richesse pour notre pays et pour les pays hôtes. Mais quelques minières canadiennes sont en train de ternir notre réputation avec des pratiques qui endommagent l'environnement et enfreignent les droits de la personne.

Un rapport préparé en 2009 pour l'Association canadienne des prospecteurs et entrepreneurs (PDAC), récemment dévoilé, arrive à la conclusion que le bilan du secteur minier canadien est loin d'être reluisant: «Les sociétés canadiennes forment le groupe le plus significatif en ce qui concerne les incidents malheureux dans les pays en voie de développement.» Selon le rapport, la plupart de ces incidents touche «le conflit communautaire». Cela est une façon polie d'exprimer ce que Mines Alerte Canada, Amnistie internationale, et Human Rights Watch ont documenté: des meurtres et viols par des agents de sécurité embauchés par les entreprises canadiennes.

Le rapport fait pour PDAC discute aussi du grand nombre d'incidents concernant des

effets environnementaux néfastes. Un exemple clé est la mine d'or Porgera de Barrick Gold en Papouasie-Nouvelle-Guinée. Une commission d'enquête indépendante entreprise pour le fonds de pension de la Norvège est arrivée à la conclusion que cette mine crée des dommages environnementaux pour la population locale, notamment à cause de la contamination de la rivière adjacente avec de l'arsenic. À la suite de l'enquête, la Norvège a retiré son investissement de 229 millions de dollars.

Si la Norvège a un mécanisme formel pour assurer l'imputabilité de ses investissements, le Canada n'en a pas. En 2008, Exportation et développement Canada (EDC), qui est l'organisme de crédit à l'exportation du gouvernement du Canada, a appuyé un volume d'activité de 13,8 milliards de dollars de quelque 300 entreprises du secteur minier. Malgré le fait que EDC a un Code d'éthique commercial et un agent chargé de la conformité, il n'existe pas de mécanisme formel qui lie EDC à faire enquête sur les plaintes ou à couper les fonds si une entreprise ne se met pas en conformité du Code.

Ce mercredi, la Chambre des communes aura l'occasion de remplir cette lacune en votant pour le projet de loi C-300 proposé par le député libéral John McKay et appuyé par le NPD et le Bloc québécois. Cette législation établirait des lignes directrices en matière de droits de la personne et la protection de l'environnement pour établir quelles sociétés minières canadiennes ayant des projets à l'étranger sont éligibles au financement par des organismes fédéraux.

Le projet de loi crée un processus pour recevoir des plaintes sur les opérations minières à l'étranger. Ce processus protégerait les minières contre les plaintes futiles, vexatoires ou entachées de mauvaise foi. Il leur donnerait une occasion de répondre à une plainte et de corriger la situation avant que le ministre puisse établir une détermination de non-confor-

mité. Une telle détermination signifierait la fin du financement par EDC ou l'Agence canadienne de développement international. Néanmoins, une société en non-conformité pourrait se remettre en conformité et redevenir éligible au financement.

Le projet de loi C-300 exige la reddition des comptes, et par les sociétés minières canadiennes qui bénéficient du financement fédéral, et par le gouvernement fédéral qui offre ce financement. La seule sanction envisagée est le retrait par le gouvernement du financement avec une déclaration publique de non-conformité. Cette législation mettrait en vigueur une recommandation unanime d'une commission d'enquête établie par le gouvernement fédéral sur laquelle PDAC ainsi que l'Association minière du Canada et des sociétés minières individuelles ont été représentées. Elle suivrait l'exemple des États-Unis, qui ont récemment adopté une loi qui exige que leur équivalent de EDC soit imputable pour la mise en vigueur des standards en matière de droits de la personne et de l'environnement.

Le projet de loi C-300 sera adopté uniquement si les députés libéraux votent en faveur. Ce parti vient d'annoncer sa politique «Canada dans le monde» qui cherche «à accroître le niveau de responsabilité environnementale et à promouvoir le respect des droits de la personne.» Puisque le projet de loi va dans le sens de cette politique, voter contre serait un recul pour les libéraux.

Nous saurons bientôt si la Chambre des communes peut résister au puissant lobby des sociétés minières et restaurer la feuille d'érable au drapeau canadien.

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MEREDITH CAIRNS

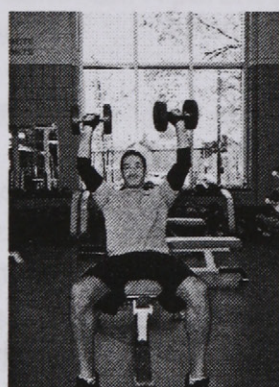
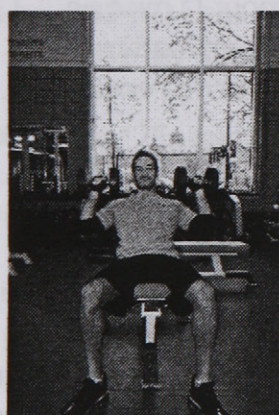
HUMAN RIGHTS WORKING GROUP EVENT

Imagine this: You are a Canadian citizen convicted of possession of narcotics with intent to traffic by Thai authorities in Thailand. You are denied the right to be tried by a Canadian court, known to have less severe sentencing than Thai courts. You spend over seven years in a Thai prison; 43 months enchained, and 102 months sleeping on the hard floor without access to a shower or a toilet. Now imagine that Drug Lords sought you out, and used manipulation, scare tactics and deceit to convince you to partake in an overseas drug deal. Not only that, but the Drug Lords are actually undercover members of the Royal Canadian Mounted Police. The process, called Operation Deception, was organized, coordinated and financed by the RCMP. This is Alain Olivier's reality; he was the victim of entrapment by the RCMP. Alain was wrongfully portrayed to the Thai authorities as a convicted drug dealer in Canada who had ties with major Thai drug suppliers,

even though he did not have a criminal record in Canada. Following a long and arduous petition campaigning and request process, Alain Olivier obtained a transfer to Canada in 1997 under the authority of the *Transfer of Offenders Act*, R.S.C., c-T-15. Following fruitless attempts for justice at the Superior Court, Alain is now requesting a review of a miscarriage of justice at the Federal Court.

Come join the Human Rights Working Group on **Monday, November 8th at 5:30pm in Room 200 OCDH** when Alain Olivier, and his lawyers, Mr. Francois Audet, Me. Reevan Pearl and Me. Felipe Morales will speak at the Law Faculty. (The above information is based on the Plaintiff's Statement of Claim.)

FITNESS PICTURES





WANTED!

Your Exchange Photographs



The SAO will soon be revamping its Exchanges website and we're looking to you for help. We would like to invite all exchange (and former exchange) students to submit a photo or two that best captures their exchange experience. Kindly forward your picture to Kelly Cassidy (Kelly.Cassidy@mcgill.ca) along with the location and a short one-liner.

Please note that by submitting your picture, you are granting the Law Faculty the permission to use it at our discretion (websites (incl. future Facebook exchange page), to hang in SAO, etc.)

Thank you very much in advance for sharing your exchange experience with us!